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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,698	01/14/2002	Alexander Zorba	05222.00151	3253

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EXAMINER

TRAN, MAI T

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,698

Applicant(s)

ZORBA ET AL.

Examiner

Mai T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/14/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to application 09/868698, filed January 14, 2002.

Claims **1-18** have been examined.

PRIORITY

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows: the claim for benefit of an earlier U.S. application is improper due to the absence of the application data sheet.

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

DRAWINGS

The drawings are objected to because of the minor informalities: Figure 11, Figure 12, and Figure 13 do not match with the description in the specification. Figure 13 according to the description in the specification is missing. Corrected

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drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

SPECIFICATION

The disclosure is objected to because of the following informalities: in the description of the drawings on page 2 of the specification, figure 8 is a GBS display in accordance with a preferred embodiment. GBS needs to be spelled out.

Appropriate correction is required.

CLAIM OBJECTIONS

Claims **1 and 10** are objected to because of the following informalities: the labeling of the method steps in claim 1 and the elements of the apparatus in claim 10 is not in order. Applicants have steps a, b, c, and a in claim 1 and steps b, c, d, e, f, and b in claim 10. It should be noted that no patentable significance is drawn from the labels. Appropriate correction is required.

DOUBLE PATENTING

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims **1-18** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims **1-9, 10, and 12-19** of U.S. Patent No. 6,029,159. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are considered to be broader than the claims of the earlier filed application. To allow the claims of the present application would extend the patent term since it does not appear that priority has been claimed to the earlier

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application and it would allow applicants to have two patents for a single invention.

CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Loftin et al, U. S. Patent No. 5,311,422, hereinafter Loftin, and further in view of "Accounting and Financial Fundamentals for Non Financial Executives" by Robert Rachlin et al, hereinafter Rachlin.

Claim 1

Loftin discloses an intelligent computer-aided training system for use in a wide variety of training tasks and environments. Loftin does not expressly

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disclose an accounting goal based presentation. Rachlin teaches the basic accounting and financial concepts (page ix, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Loftin in view of Rachlin in order to accommodate a specific need i.e., teaching accounting. Applicants have merely taken a known subject and adapted to be taught using a computer, which Loftin discloses broadly that computers can be used to teach subjects.

A method for creating a presentation, comprising the steps of:

- (a) receiving an accounting goal (col. 6, lines 46-52);
 - (b) integrating information that motivates accomplishment of the accounting goal (col. 6, lines 52-55);
 - (c) evaluating the progress toward the goal and providing feedback that further motivates accomplishment of the accounting goal (col. 6, lines 55-59);
- and
- (a) adjusting the feedback based on the students progress toward the accounting goal (col. 6, lines 61-65).

Claim 2

A method for creating an accounting goal based presentation as recited in claim 1, wherein debit processing material is integrated into the presentation (page 65, line 15).

Claim 3

A method for creating an accounting goal based presentation as recited in claim 1, wherein credit processing material is integrated into the presentation (page 65, line 16).

Claim 4

A method for creating an accounting goal based presentation as recited in claim 1, wherein closing material is integrated into the presentation (page 71, line 11).

Claim 5

A method for creating an accounting goal based presentation as recited in claim 1, wherein ledger processing material is integrated into the presentation (page 70, line 11).

Claim 6

A method for creating an accounting goal based presentation as recited in claim 1, wherein t-account processing material is integrated into the presentation (page 65, line 17).

Claim 7

A method for creating an accounting goal based presentation as recited in claim 1, wherein multiple account processing material is integrated into the presentation. Official notice is taken that accounting system comprises a plurality of accounts.

Claim 8

A method for creating an accounting goal based presentation as recited in claim 1, wherein asset processing material is integrated into the presentation (page 15, line 5).

Claim 9

A method for creating an accounting goal based presentation as recited in claim 1, including the step of adjusting an example based on student progress (col. 10, lines 7-15).

Claim 10

An apparatus that creates a presentation, comprising:

- (b) a processor. Official notice is taken that processor or Central Processing Unit is the brain of the computer;
- (c) a memory that stores information under the control of the processor. Official notice is taken that every computer comes with a certain amount of memory;
- (d) logic that receives an accounting goal (col. 6, lines 46-52);
- (e) logic that integrates information that motivates accomplishment of the accounting goal (col. 6, lines 52-55);
- (f) logic that evaluates the progress toward the goal and provides feedback that further motivates accomplishment of the accounting goal (col. 6, lines 55-59); and
- (b) logic that adjusts the feedback based on the students progress toward the accounting goal (col. 6, lines 61-65).

Claim 11

An apparatus that creates a presentation as recited in claim 10, wherein debit processing material is integrated into the presentation (page 65, line 15).

Claim 12

An apparatus that creates a presentation as recited in claim 10, wherein credit processing material is integrated into the presentation (page 65, line 16).

Claim 13

An apparatus that creates a presentation as recited in claim 10, wherein closing material is integrated into the presentation (page 71, line 11).

Claim 14

An apparatus that creates a presentation as recited in claim 10, wherein ledger processing material is integrated into the presentation (page 70, line 11).

Claim 15

An apparatus that creates a presentation as recited in claim 10, wherein t-account processing material is integrated into the presentation (page 65, line 17).

Claim 16

An apparatus that creates a presentation as recited in claim 10, wherein multiple account processing material is integrated into the presentation. Official notice is taken that accounting system comprises a plurality of accounts.

Claim 17

An apparatus that creates a presentation as recited in claim 10, wherein asset processing material is integrated into the presentation (page 15, line 5).

Claim 18

An apparatus that creates a presentation as recited in claim 10, including logic to adjust an example based on student progress (col. 10, lines 7-15).

Conclusion

The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Marks, Ronald, U. S. Patent No. 5,117,356.
2. Sampson, Wesley C., U. S. Patent No. 5,390,113.
3. Cook et al, U. S. Patent No. 5,727,950.

CORRESPONDENCE INFORMATION

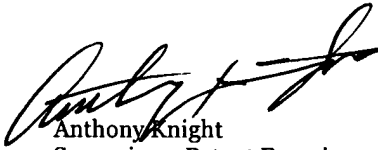
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 9:00am--5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.T
Patent Examiner
Date: 3/4/2005



Anthony Knight
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Tech Center 21004